IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 394 of 2004 (M/B)

Puran Singh Munyoura S/o Late Kanhaiyya Singh,
R/o Village Kyarkulli, P.O. Mussoorie,
District Dehradun …….. Petitioner

Versus

1. District Magistrate, Dehradun.
2. Sub-Divisional Magistrate Mussoorie Sub-Division, Dehradun
3. Mussoorie-Dehradun Development Authority (M.D.D.A.) through its Secretary
4. Divisional Forest Officer,
   Yamuna Forest Division, Mussoorie
5. Gram Sabha-Kyarkulli Bhatta through
   its Pradhan Sri Hoshiyar Singh Thapli
   S/o Lte Sri Dharam Singh …… Respondents

Mr. S.N. Babulkar, Senior Advocate with Mr. Anil Bisht for the petitioner.
Mr. U.P.S.Negi, Addl. Advocate General for the respondents 1,2 and 4.
Miss. Pooja Banga, Advocate for respondent no. 3.
Mr. A.Rab, Advocate for respondent no. 5.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. S.N. Babulkar, Senior Advocate with Mr. Anil Bisht for the petitioner.

Mr. U.P.S.Negi, Addl. Advocate General for the respondents 1,2 and 4.

Miss. Pooja Banga, Advocate for respondent no. 3.

Mr. A.Rab, Advocate for respondent no. 5.

They are heard.

2. Petitioner- Puran Singh Munyoura filed this writ petition in the year 2004 for the following reliefs:

> "a. Issue a writ, rule order or directions in the nature of mandamus commanding and directing the respondents to stop any kind of illegal construction and felling down of trees, activities in the Shawldhar area of Gram Sabha Kyarkulli Bhatta situate near Cart Mehcnagee Road Near Nag Devta Mandir Mussoorie, district Dehradun and further to direct

them to maintain the said land as pasture land for the use of villagers of Gram Sabha Kyarkulli Bhatta.

b. Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.

c. Award cost of the petition in favour of the petitioner."

3. In substance, the petitioner was seeking a direction to respondents to initiate appropriate action against those persons responsible for illegal felling of trees and for raising unauthorized constructions on the land in question.

4. In the counter affidavit filed on behalf of respondent no. 4-Divisional Forest Officer, it has categorically been stated that proceedings have already been initiated against those persons found responsible for illegal felling of trees under the provisions of U.P. Protection of the Trees Act, 1976.

5. We hope that the appropriate action would be taken by the authorities concerned against those persons also who are found responsible for raising unauthorized construction, if any, over the land in question.

6. With the above observation, the writ petition stands disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**
18.05.2006 **18.05.2006**

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